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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,435

06/25/2003

Eric Joseph Johnson

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06/23/2004

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

P.O. Box 272400

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/603,435

Applicant(s)

JOHNSON ET AL. *AK*

Examin r

Dan Colilla

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-- The MAILING DATE f this communication app ars on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Revi w (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030625.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 8-15 and 23-30 are objected to because of the following informalities:

In claim 8, line 10, it appears that the first occurrence of "a" should be removed for proper grammar.

Similarly, in line 12 of claim 23, it appears that the first occurrence of "a" should be removed.

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claim 1 of the present application is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No.

6,682,234. Although the conflicting claims are not identical, they are not patentably distinct

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from each other because claim 1 of U.S. Patent No. **6,682,234** recites all the structure of claim 1 in the present application.

Claim 2 of the present application is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,682,234. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 2 of U.S. Patent No. 6,682,234 recites all the structure of claim 2 in the present application.

Claim 3 of the present application is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,682,234. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 3 of U.S. Patent No. 6,682,234 recites all the structure of claim 3 in the present application.

Claim 4 of the present application is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,682,234. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 4 of U.S. Patent No. 6,682,234 recites all the structure of claim 4 in the present application.

Claim 5 of the present application is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,682,234. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 5 of U.S. Patent No. 6,682,234 recites all the structure of claim 5 in the present application.

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Claim 6 of the present application is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,682,234. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 6 of U.S. Patent No. 6,682,234 recites all the structure of claim 6 in the present application.

Claim 7 of the present application is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6,682,234. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 7 of U.S. Patent No. 6,682,234 recites all the structure of claim 7 in the present application.

4. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. **6,524,021**. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 9 of U.S. Patent No. **6,524,021** recites all the structure recited in claim 1 of the present application.

Claim 2 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 10 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 2 of the present application.

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Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 11 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 3 of the present application.

Claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 12 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 4 of the present application.

Claim 5 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 13 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 13 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 5 of the present application.

Claim 7 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 14 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 7 of the present application.

Claim 8 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,524,021. Although the

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conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 8 of the present application.

Claim 9 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 2 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 9 of the present application.

Claim 10 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 3 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 10 of the present application.

Claim 11 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 4 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 11 of the present application.

Claim 12 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because

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claim 5 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 12 of the present application.

Claim 13 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 6 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 13 of the present application.

Claim 14 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 7 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 14 of the present application.

Claim 15 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 8 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 15 of the present application.

Claim 16 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 9 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 16 of the present application.

Claim 17 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 10 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 17 of the present application.

Claim 18 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 11 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 18 of the present application.

Claim 19 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 12 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 19 of the present application.

Claim 20 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 5 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 20 of the present application.

Claim 21 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 6,524,021. Although the

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conflicting claims are not identical, they are not patentably distinct from each other because claim 21 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 21 of the present application.

Claim 22 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 14 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 22 of the present application.

Claim 23 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 16 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 23 of the present application.

Claim 24 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 17 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 17 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 24 of the present application.

Claim 25 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 18 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because

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claim 18 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 25 of the present application.

Claim 26 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 19 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 26 of the present application.

Claim 27 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 20 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 20 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 27 of the present application.

Claim 28 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 21 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 28 of the present application.

Claim 29 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 22 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 22 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 29 of the present application.

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Claim 30 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 23 of U.S. Patent No. 6,524,021. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 23 of U.S. Patent No. 6,524,021 recites all the structure recited in claim 30 of the present application.

Allowable Subject Matter

5. Claims 1-30 would be allowable if terminal disclaimers, as mentioned above, are submitted to overcome the double patenting rejection set forth in this Office action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (571)272-2157. The examiner can normally be reached Mon.-Thur. between 7:30 am and 6:00 pm. Faxes regarding this application can be sent to (703)872 - 9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (571)272-2168. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 21, 2004



Dan Colilla
Primary Examiner
Art Unit 2854